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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS
Deutschland AG, as successor in interest to
Dresdner Bank Lateinamerika AG, and LGT
BANK (SWITZERLAND) LTD. as successor
in interest to Dresdner Bank (Schweiz) AG,
Defendants.

No. 08-01789 (CGM)

SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 12-01577 (CGM)

**STIPULATION AND ORDER TO WAIVE ORAL ARGUMENT ON
NON-JURISDICTIONAL ARGUMENTS**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll, and the estate of Bernard L. Madoff, and Defendant UBS Europe SE (“Defendant,” together with the Trustee, the “Parties”) by and through their respective undersigned counsel stipulate and agree as follows:

WHEREAS, on September 15, 2022, Defendant filed a motion to dismiss the Trustee’s Amended Complaint (the “Motion”) [ECF No. 114], with a memorandum of law [ECF No. 115], and the Declaration of Marshall R. King [ECF No. 116]; on November 14, 2022, the Trustee filed an Opposition to Defendant’s Motion [ECF No. 121] and the Declaration of Dean D. Hunt [ECF No. 122] (the “Opposition”); and on December 21, 2022, Defendant filed a reply in further support of its Motion [ECF No. 125] (together with the Motion and Opposition, the “Briefing”);

WHEREAS, the Court scheduled a hearing to consider the Motion on January 18, 2023, at 10:00 am; and

WHEREAS, the Parties have conferred and agree to rest on their papers for all issues in the Motion except for personal jurisdiction (“Non-Jurisdictional Issues”) and waive oral argument on the Motion with respect to the Non-Jurisdictional Issues.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Non-Jurisdictional Issues at the January 18, 2023 hearing.
2. The Parties request the Court issue its ruling based on the Briefing for the Non-

Jurisdictional Issues.

3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: January 13, 2023
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Dean D. Hunt
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By: /s/ Marshall R. King
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Attorneys for Defendant UBS Europe SE

**Dated: January 17, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**